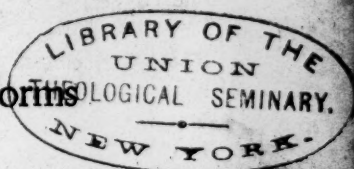


The Grand Problem briefly Discussed :

O R,
CONSIDERATIONS
ON THE
True *NATURE* and *LIMITS*
O F
OBEDIENCE and *SUBMISSION*
T O
GOVERNOURS.

WITH
Respect to the Different Forms
O F A N

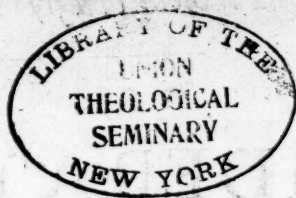


Absolute and Limited
MONARCHY.

By a Divine of the Church of *England.*

Licensed, *Novemb. 1. 1689. J. F.*

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P R E F A C E.

THE great prejudice which hath oppressed the minds of many very Good and Honest and Well-meaning men, with a kind of Turkish Submission to the pleasure of their Governours, however Arbitrary and Illegal their Proceedings have been, hath risen (I conceive) from their taking this one wrong method to determine the true bounds of their Obedience, viz. That they seek directions herein from the Laws of God without due regard to the Laws of our Realm. For, though we readily yield to the Holy Scripture the highest respect and veneration; though we acknowledge it a full and ample Rule of Manners as well as of Faith, directing all the Offices of humane Life among all degrees of men from the highest persons to the lowest; though it strictly requires us to render to all men, to Cæsar as well as our poorest Neighbour, their due; yet it no where determines mens Civil Rights and Properties.

For, as the Kingdom of Christ was not of this World, so He left the affairs of this World to be managed by the Laws of the World. It is indeed impossible the Scripture should determine all Controversies about (meum & tuum) mens Civil Rights, what is mine, and what my Neighbours, what is Cæsars due, and what the Peoples; and this because of the frequent alterations in Families, and alienation of Estates, and the almost as frequent vicissitudes

The PREFACE.

circumstances of Government, the several Acts of Condescension in Princes, and new Grants of Liberties and Immunities. Upon these accounts the Laws of the Land must be taken into Consideration together with the Precepts of Scripture to decide the Subjects Duty.

And the contrary opinion is such an error, as if it had universally obtained must needs have of late proved fatal to us, not only in the loss of our Civil Rights, but what is infinitely more considerable, the benefits of our Reformed Religion.

If therefore this Paper (which contains a double Scheme, representing the Subjects Duty in a different manner, according to the different Form of Government) may prove effectual to obviate or remove any mistake in this case; to settle the Minds of Men in a good liking of, and due Submission to the present Government; to the Peace and Quiet of the Nation: or have that effect more publickly which it had on some private persons, to whose only use it was at first designed, 'twill be satisfaction enough to the Author, if he hath in the least contributed to the Service of his Country, and not troubled the Reader to no purpose, nor spent an hour or two in vain.

THE

THE GRAND PROBLEM BRIEFLY DISCUSSED:

The QUESTION.

What Obedience is due from Christian Subjects to their Sovereign Prince?

THE Resolution of this must be with due regard to the Nature and Quality of the Government under which we live. For,
I. In an absolute Monarchy the Subjects Obedience must be absolute, and universal, or unlimited, viz.

1. Either Active Obedience to all lawful Commands, or full compliance with the Kings will in things not forbidden by God.

2. Or Passive Obedience, and Submission to his pleasure instead of performing his Commands when contrary to the express Laws of God.

First. The former of these proved.

(1st.) From Scripture: *Eccles. 8. 4. Where the Word of a King is there is power; and who may say unto Him, what doest thou? St. Matth. 22. 21. Render to Cesar the things that are Cesars. Rom. 13. 4. He is the Minister of God. 1 Pet. 2. 13. Submit your selves to every ordinance of man for the Lords sake, to the King as supreme.*

(2d.) From Reason: VWhere the Prince is absolute; or free from the limitation of any Laws, there the Subjects Obedience must be proportionate, and measured only by the Princes Edicts.

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BUT

But if the will of the Prince be contrary to that of God, if his Edicts and the Laws of the Gospel can't be Reconciled, the Apostles determination is obvious, *Acts* 5. 29. *We ought to obey God rather than men.* And if this exposeth the Subject to persecution and punishments to suffer the effects of the Kings wrath. Here is the place for the

Second sort of Obedience, Passive; or Submission and Non-Resistance, Proved.

First from Scripture-Precept, *Rom.* 13. 2. *They that resist shall receive to themselves damnation.* And verse 5. *Ye must needs be subject not only for wrath but also for Conscience sake.* 1 *Pet.* 2. 19. *This is thankworthy if a man for Conscience toward God endure grief, suffering wrongfully.* And verse 20. *If when ye do well and suffer for it, ye take it patiently this is acceptable with God.* So that in all Cases here is either Obedience or Submission enjoined. And the business being thus stated by the Laws of God, how can it be capable of any alteration from a mere Civil Constitution? VVhat signifies a Law of man in a matter before determined by the Law of God.

Secondly, From Scripture-Example: Our Lord Christ submitted to the most unjust sentence of death, and would not use the assistance of Angels or Men against that Authority under which He lived; but commanded *Peter* to put up his Sword when drawn in his defence, *St. Matth.* 26. 52. *St. John* 18. 11. The like submission was practised by the Apostles, *Acts* 5. 41. Rejoycing that they were counted worthy to suffer shame for his name.

Objection, If it be objected concerning our Saviour that by the will of God it was necessary He should so submit, in order to the redemption of the world.

Answer, It may be answered, That the sufferings of his Disciples and Followers are from the same will of God, who did predestinate them to be conformed to the Image of his Son, *Rom.* 8. 29. 1 *Pet.* 2. 21.

Thirdly, From the Example of the Primitive Christians under the persecution of Heathen Emperours; Particularly, from the Celebrated instance of the *Theban* Legion.

And what availeth it to say that the Laws of the Empire were against these men? Shall the Laws or Customs of Men, in themselves sinful and unjust, make them Criminals, whom the juster and superior Laws of God and Nature declare Innocent?

And to say that they wanted power to defend themselves, is to contradict approved History, and those pious Fathers of the Church who wrote Apologies for them.

4thly, Finally, From the Nature of Martyrdom: If men might defend their Lives, Liberties or Religion it self by force of Arms against their natural and Rightful Prince what place could their be for Martyrdom, which seems a voluntary suffering of death in the cause of God and Religion, and for the sake of Truth and a good Conscience? For what thanks is it to that man who

who dieth for his Religion, when if it were in his power he would rather kill his Persecutors (tho' lawful Governours) than suffer himself to be put to death by them?

These are the principal Arguments for Obedience, or at least submission and Non-Resistance to Governours in all Cases, which we allow to be very good and cogent, *in debitis circumstantiis*, where the Governour is absolute: But that they do not affect the Subjects of our English Monarchy, will I presume, be granted by them that seriously and impartially weigh the following Considerations.

II. In a mixed Government or limited Monarchy, the Obedience due from the Subject is supposed Conditional or limited, whose Rule and Measure is the Laws of the Land where we live in conjunction with the Laws of God. And then Obedience is,

Either (1.) Active to all Lawful Commands, *i. e.* in things enjoined or at least not forbidden by the Laws of God, and *the Laws of the Land*.

Or (2.) Passive, or Submission to the Kings pleasure in suffering patiently, instead of performing such his commands as are contrary to the Laws of God, but not contrary to *the Laws of the Land*; and consequently, 'tis the suffering *Legal Penalties* though undeserved.

VVith this Restriction must all those Texts be interpreted which in Scripture require Obedience, or Submission. For, If the King goes about to oppress or destroy his people without authority from God, and *against the plain Laws of the Land*, it seems reasonable that He may be opposed (at least to some degree) by his People or Subjects.

For though a Prince is Gods Vice-gerent and ought not to be Murdered or Deposed by his Subjects, his person being Sacred and reserved only to the Divine vengeance: yet that He may (when other means prove ineffectual) be by force compelled to keep within the limits of the Law, seems reasonable. Because, otherwise the Laws are mere trifles and insignificant Formalities. To what purpose are Acts of Parliament made to confirm our Liberties and Properties, if after such confirmation we are no more sure of enjoying them than we were before? Why are great Revenues settled on the Crown by the peoples gift, for the grant of some new privilege, or confirmation of former Grants, if notwithstanding this, the Prince at pleasure may trample upon all without the least controul? Certainly had Parliaments known such a power inherent in the King incapable of Restriction, they would have saved their own and the Nations Money, and not have parted with it, to facilitate (as it may happen) their own destruction.

That Government in general is of Divine Institution, there can be no Question, St. Paul saith *Rom. 13. 1. There is no Power but of God*—but the specification of this power or the different forms of Government, may depend on the pleasure of Men. As the Husbands power over the Wife

is from God, yet that this man in particular rather than another should exercise that power was at first from the designation, consent and choice of the Woman her self: so, the Magistrates power is from God; yet the exercise of it by few or many hands; by one absolute or by one limited by certain Laws and Rules, depended originally on the consent and approbation of the people: for certainly the Scripture hath not determined which of these should be done.

We read indeed the words of God Himself, *Prov. 8. 15. By me Kings Reign*— and St. Paul spake of absolute Emperors when he said *Rom. 13. 1. The powers that be are ordained of God*: But it doth not follow from thence that no other form of Government hath Divine Authority: For,

1. As to the former Text, the verse next following will prove Aristocracy to be *jure Divino* as certainly as that proves Monarchy to be so. *Prov. 8. 16. By me Princes Rule, and Nobles, even all the Judges of the Earth.* And

2. As to the latter place, if St. Paul had lived when Rome was a Commonwealth, what should hinder but that he might have preached the same Doctrine? might he not have said of the Consuls, Senate, Tribunes, &c. *The powers that be are ordained of God*?

If Monarchy then be said to be *jure Divino*, it must not be understood exclusive of all other Forms of Government, but either in a general sense, as it must be acknowledged the best, and subject to fewer inconveniences than any other Form; and as being the most agreeable to right Reason, and the voice of Nature, being the first of Governments. And that which is still every where found among such people as have only the light of nature to direct them. Or Finally, as it best represents the supreme authority of God on Earth. Earthly Magistrates being Gods Representatives do best appear to be so in a Monarchical State. But that Monarchy is strictly and properly of Divine institution cannot be defended;

(1.) Because then, all other Forms of Government are wicked Inventions, under which it must be unlawful to live; the which I think none will assert.

(2.) Because then the Monarch sinneth against God if he parts with the least branch of his prerogative without express license from Heaven: and then our English Government it self, though Monarchical, must also be condemned.

It seems therefore (as I conceive) very plain, that though the Kings power be from God, whose Vicegerent He is, and not the peoples Creature, yet He may be limited in the exercise of that Power by the Laws of the Realm, made by the free consent and approbation of Himself, and his people.

And this seems to have been the opinion of our Three last Kings. The Blessed Martyr Charles the I. Declared [from *New-Market*,] *That the Law was the measure of his power.* And at another time, *That his Prerogatives were built on the Law of the Land.*

King

King *Charles* the II. in His Speeches to his Parliaments, several times declared his Resolution, *To make the Law his Rule, and to Govern according to Law.* And King *James* the Second in His Speech at His first sitting in Privy Council, reciting a Calumny that had been reported of Him, *That he was a man for Arbitrary Power, to assure us of the contrary, he saith, I know the Laws of England are sufficient to make the King as great a Monarch as I can wish.*

By which it appears, That as the Kings of *England* are not absolute; So the Obedience which their Subjects owe them, should be measured by the known Laws of the Land.

If therefore the King requires that which is not forbidden by the Law of God, but yet is beyond that authority which the Constitutions of the Kingdom have assigned Him, his Subjects may (for the sake of peace, avoiding of scandal, or such like end for the publick good) comply by a voluntary concession with his will: but they are not in Conscience bound to obey. And if He pursues such illegal practices extravagantly, designing to subvert the peoples Civil or Religious Rights, to introduce a false Religion and Arbitrary power, and enslave not only the present, but all future Generations; His Subjects are so far from being obliged to assist Him in such illegal and destructive Projects: That on the contrary, they ought according to their stations to resist such proceedings, defending themselves and their own Rights, not offending Him, or retaliating injuries, but refusing to put in execution such illegal designs. And if they would unanimously resolve on this, they might be safe, since He can never destroy them but by their own hands. Indeed there will never be wanting men of mean Fortunes and base Principles ready instruments to serve the worst designs of Tyrants; and if such be put into Office to oppress the Subject contrary to Law, we know by our ancient Constitution, their Commissions are illegal, and they can have no more authority thereby, than such as take purses on the High-way, and may be treated accordingly. This is so evident that it needs no argument to prove it, and therefore I shall mention only what I before hinted, *viz.* That unless this be granted, the Laws fail of the end for which they were made, and are no safe-guard to the people.

Object. Now as to that Objection, *That the Nature of a Christians Obedience being stated and determined by the Laws of God in Scripture, the subsequent Laws of man cannot alter it.* I Answer,

Ans. It is so indeed supposing the Government remains the same: But the whole weight of the Objection depends on a false supposition, *viz.* *That by the Laws of God, every Government ought to be Monarchical; and every Monarch absolute as the Roman Emperours were to whom the Primitive Christians were Subject.* But there can be no proof of this from Scripture; and consequently, if a Monarch may be under Legal limitations, He can expect no other than Legal Obedience from his Subjects, notwithstanding those Texts of Scripture.

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Hence

Hence also, the Examples of our Saviour, Christ, his Apostles and primitive Christians are improperly urged against us, who live under a different Government, to infer absolute submission to the will of the King, though they may well be urged to infer *such Submission to the Government*, i. e. *To the King acting within the limits of Law*. For, it may happen that by the Laws of the Land a King may have power to inflict sore penalties on his Subjects for refusing to do what they are restrained from doing by the superiour Laws of God; and then they must needs submit how great power soever they had to resist; for the Laws of Religion allowing no resistance, nor the Laws of the Land according to which they are supposed to suffer, they can have no pretence at all for resisting.

And here is the opportunity for passive Obedience and bearing the Cross. And this was the condition of our pious Martyrs in Queen *Maries* Reign; they were put to death unjustly, but yet according to the Laws of the Land, and by the authority with which the Laws armed their Sovereign against them; For these Laws being interpreted their own Acts by their Representatives (or of the major part of them, by which the rest ought to be concluded) when executed against them, ought to be patiently submitted to without the least Resistance.

This also our Dissenters take to be their Case on whom penalties have been inflicted for Non-Conformity: They pretend Conscience against Conformity, as if it were forbidden by the Laws of God; yet being upon that account adjudged Criminals by the Laws of the Land, they ought to suffer patiently the effects of those Laws, however innocent themselves, or however grievous and unjust their penalties.

As to the for-cited Examples.

Our blessed Saviour submitted to the powers that then were, and the sentence of Death was passed upon him by a Judge whom he acknowledged to have power given him from above. And though the power was abused to the injury of the innocent, yet a private person was not to avenge himself, but commit his Case unto God. Besides the great end for which our Lord came into the World to do and suffer the will of Him that sent him for the Salvation of men obliged Him to acquiesce and submit, who otherwise might have commanded twelve Legions of Angels to his rescue.

Then as for the primitive Christians, who when more numerous than their Enemies would not in the least resist their persecutors: not when they had opportunity and capacity to resist as particularly the *Theban* Legion. Of which there are various opinions.

1. Some say, it was not lawful for them to resist because the Laws of the Empire were against them and their Religion. But this I conceive is not satisfactory; for, it may justly be questioned how these Laws, improperly so called, could oblige the Christians to such strange submission and condescension,

son, when they seem destitute of Equity, and just authority; of Equity because condemning innocent persons; and of authority, because contrary to the Laws of God and Nature, and not enacted by any consent of the people, being only Edicts or Proclamations of the Emperour. And the Emperours authority must be founded on one of these, viz. The Laws of God, and Nature, or the consent of the people. And if his Edicts were contrary to these it seems strange that they should lay on Christians that great obligation of suffering death without Resistance.

2. Others imagine these Christians not to have understood their duty aright, and that they ought according to the Laws of Nature to have defended their lives against unjust violence, but that they were under such a prejudicial mistake as the Jews were who refused to fight against their enemies on the Sabbath-day; and consequently were rather to be pitied than imitated. But

3. I conceive the best and truest account of these pious men submitting to their persecutors even to death, is this, not only that the Imperial Laws were against them; much less that they were ignorant of their Duty or Liberty of self-defence: But that they knew it was the positive Will of God, that they should glorifie Him (when called to it) by suffering death.

For, as it was the will of God to make the Captain of our Salvation perfect through suffering, *Heb. 2. 10.* So it was his will also to bring his followers to glory the same way, by Patience and sufferings, unto which St. Peter saith of Christians, *1 Per. 2. 21.* *Ye are called, because Christ also suffered for us, leaving us an example that ye should follow his steps, i. e.* as often as they were called to it by order of Divine Providence. And this frequently happened while the supreme power was in the hands of Heathen Princes: so long, it was the method of God to establish, confirm and propagate his Church by the blood of Martyrs voluntarily dying for that Religion which they could have defended with the Sword, had not their Holy Faith restrained them from such means. And hereby the Heathen Rulers might learn, that the Kingdom of Christ was not of this world; that as He intended not by admitting men into his Society, to infringe any of their just and natural Rights: so He wanted not the assistance of their power to Plant or support his Church and Spiritual Kingdom, which He caused miraculously to encrease and prosper by those very means of persecution, blood and slaughter, by which they endeavoured to destroy it.

But after that the powers of the Earth were themselves added to the Church, it was but just that as the Church imparted to them spiritual good things: so she should partake of their carnal. Accordingly the Christian Emperours gloried in being Defenders of the Faith, enriching the Church with Revenues, dignifying it with ample privileges, supporting it with
Laws,

8 The True Nature and Limits Of Obedience and Submission.

Laws, and defending it with the power of the Sword : And by these means God now preserves his Church, as He did before by miracles. And after the Church hath thus acquired many Civil Rights, and the protection of good and wholesome Laws, it would be vain presumption for Christians to neglect the use of these means to defend themselves against the violence of Tyrants, and expect that God should deliver them by some miraculous method.

As the Children of *Israel* in the Wilderness were miraculously sustained with Quails and Manna, and water out of a Rock, and cloches that waxed not old : But after they were settled in *Canaan*, they had not those extraordinary Provisions, but were to live by their labours, tilling the ground and reaping the fruits of the Earth ; and it would have been strange presumption in them to have omitted these endeavours, and sitting still, have always expected to have been fed with Quails and Manna : So the Christian Church, was in the first Ages under Persecution as in the Wilderness preserved by an extraordinary and miraculous Providence. But after the Church was incorporated with the Civil State, and enjoyed peace and the protection of humane Laws, it was no longer to expect such favours. And for any now to quit the security of Laws against the violence of Persecutors, and rely only on Divine Providence for deliverance, is like expecting Quails and Manna in *Canaan* ; 'tis to tempt, rather than dutifully to rely on, Divine Providence.

Finally, As to the last difficulty, viz. That according to this account there would be no such thing as Martyrdom. 1. Tyrant there is not that place for a real Martyrdom, the Church being now under a limited Government, as there was under an absolute one in the primitive times. And what though the Church be altered in some such circumstances ? Then it had frequent miracles, which now are ceased, as well as the opportunities of Martyrdom. 2. To those that desire this Glory I may say as the Apostles did to some that were fond of Circumcision, He is not a *Jew* only who is so outwardly : so neither is he a Martyr only who expires in the flames ; but he also who in disposition of Soul is resolved and ready to suffer if called to it. Besides, There are (no doubt) many instances of Mortification, Self-denial, extraordinary Charity, &c. as great and as difficult, and as meritorious as the plain suffering death by the Sword or Axe of an Executioner. Let us labour to excel in these, and so we may obtain a reward equal to the glory of Martyrdom.

Now as to our present circumstances I cannot conceive what can be urged against these things, but either

(1.) The Obligation of our former Oath of Allegiance : or

(2.) The public Declaration against taking up Arms against the King upon any pretence whatever.

1. As to the former, I think the matter of that Oath is expired as certainly as if the Nation had been absolutely conquered. For though all the people were not, the Governing part was, and the Government is self utterly unhinged. And if any thing was done in those Revolutions which scrupulous persons now dislike, to be sure they were not accessory to it, and may therefore now submit as conquered persons ; especially if they desire protection from the present establishment.

2. As to the Declaration, It must be construed *Secundum Analogiam Legis*, not to make the Prince absolute. But upon condition the Fundamental Constitution of the Government be preserved, it is then unlawful for Subjects, (any or all) to take up Arms against their Sovereign.

FINIS.

